

5.09 Complaints and Enforcement

5.09.1 Intent. It is the duty of the Planning Board, the County Commission, its officers, agents and employees to enforce the provisions of these Regulations.

5.09.2 Complaints. Any person may file a signed, written complaint with the Zoning Enforcement Agent and/ or Code Compliance Specialist addressing a violation of these Regulations. The complaint shall fully describe the facts supporting the complaint.

Upon receipt of a written, signed complaint, the Zoning Enforcement Agent and/ or the Code Compliance Specialist shall record and investigate the complaint, and determine if a violation exists. If the Zoning Enforcement Agent and/ or Code Compliance Specialist determine a violation exists, then they shall take the appropriate action to resolve the violation. The name of the person filing the complaint shall remain confidential until the violation is resolved and/ or there is a public hearing on the matter.

5.09.3 Investigations. When investigating an alleged violation, the Zoning Enforcement Agent and/ or Code Compliance Specialist shall review these Regulations and other applicable public information regarding the alleged violation. The Zoning Enforcement Agent and/ or Code Compliance Specialist may perform an inspection of the alleged violation from a public road or from a neighboring property where permission has been granted for access. The Zoning Enforcement Agent and/ or Code Compliance Specialist may also notify the alleged violator and request access for an inspection. If access is denied, the investigator may seek an administrative warrant. Permission for access is assumed in the event an alleged violator has a pending permit application on file with the Planning Department. The investigator shall document the inspection with written notes and/ or photographs as appropriate.

5.09.4 Administrative Remedies. Pursuant to MCA §76-2-210, and with reasonable cause, and in addition to those remedies provided by law, the Zoning Enforcement Agent and/ or Code Compliance Specialist may revoke any land use permit, issue cease and desist orders requiring cessation of any building, moving, alteration or use which is in violation of these Regulations, and/ or require mitigation and/ or corrective action, which may include dismantling or removal of non-compliant structures, to remedy the violation.

5.09.5 Administrative Fine. In addition to the above, and upon a recommendation from the Zoning Enforcement Agent and/ or Code Compliance Specialist, the County Commission may after a public meeting, dully notice, assess violators fines of up to \$500 per violation for noncompliance. Each day of violation may be considered a separate offense. When determining the amount and duration of the fine, the County Commission shall consider the nature, circumstances, extent and gravity of the violation, any prior history of such violations, the degree of

culpability, and such other matters as justice may require. In addition, the violator may be required to pay administrative costs associated with the investigation. If the fine is not paid, it shall become a lien upon the property.

5.09.6 Criminal Penalty. Pursuant to MCA §76-2-211, a violation of these Regulations, a permit issued under these Regulations, any condition imposed through the authority of these Regulations, or any variance granted through these Regulations shall constitute a misdemeanor. A violator may be imposed a fine up to a maximum of \$500 per violation, or imprisoned in the county jail for a term not to exceed six (6) months or both.

5.09.7 Injunction. After the exhaustion of administrative remedies, the County Attorney, in conjunction with the Zoning Enforcement Agent and/ or Code Compliance Specialist, may bring an action in the name of the County of Gallatin in the District Court to enjoin any violations of these Regulations.

The owner or tenant of any building, structure, premises, or part thereof and any architect, builder, contractor, agent or other person/ entity who commits, participates in, assists or maintains such violation may be held accountable for a separate violation.

5.09.8 Remedies, Cumulative. The remedies provided for herein shall be cumulative and not exclusive.